



**Virginia Board of Psychology
Regulatory Committee Meeting Minutes
Department of Health Professions
Board Room 2
9960 Mayland Drive, Henrico, VA 23233
Monday, May 13, 2024, at 1:00 p.m.**

PRESIDING OFFICER: Aliya Chapman, Ph.D., LCP

**COMMITTEE MEMBERS
PRESENT:** J.D. Ball, Ph.D., LCP
William Hathaway, Ph.D., LCP
Gary Sibcy, Ph.D., LCP

BOARD STAFF PRESENT: Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director
Meagan Ohlsson, Licensing Supervisor

DHP STAFF PRESENT: Erin Barrett, Director of Legislative Affairs and Policy, DHP
Matt Novak, Policy & Economic Analyst, DHP
James Jenkins, RN, Agency Deputy Director, Special Advisor to the
Governor on Workforce

CALL TO ORDER: Dr. Chapman called the meeting to order at 1:03 p.m.

MISSION STATEMENT: Dr. Chapman read the mission statement of the Department of Health Professions and the emergency egress procedures.

**ESTABLISHMENT
OF A QUORUM:** With four Committee members present a quorum was established.

APPROVAL OF MINUTES: The Committee reviewed the minutes from the last meeting held on March 25, 2024.

Motion: Dr. Hathaway made a motion, which was seconded by Dr. Sibcy, to adopt the minutes from the March 25, 2024, Regulatory Committee as presented. The motion passed unanimously.

ADOPTION OF AGENDA: The agenda was adopted as presented.

PUBLIC ATTENDEES: Karen Ellen Trump, School Psychologist, Ed.S.
L. Frances Brown, Richmond Regional Representative, Virginia Academy of
School Psychologists (VASP)
Cyndi Young, School Psychologist, Ed.S., Regional Representative
Coordinator, Virginia Academy of School Psychologist (VASP)
Jennifer Morgan, Psy.D., Virginia Academy of Clinical Psychologists (VACP)
Denise Daly-Konrad, Director of Strategic Initiatives for the Virginia Health
Care Foundation

PUBLIC COMMENT:

Ms. Brown requested that the Board fill the vacant school psychology board position as soon as possible. Ms. Hoyle thanked Ms. Brown for her comments and interest in filling the vacant position. Ms. Hoyle and Dr. Ball provided an explanation of the gubernatorial appointment process for Board positions.

Carol Petty, Ph.D provided written public comment (Attachment A)

**LEGISLATIVE AND
REGULATORY REPORT:**

Review of changes to 18VAC125-20 to license psychological practitioners

Ms. Barrett provided a detailed overview on the proposed changes that were discussed by the Committee at the March 25, 2024 meeting. Ms. Barrett stated that the Board will vote on the proposed regulatory changes at its September 9, 2024 meeting. (Attachment B)

In addition to the quarterly board meeting, a public hearing will be held on September 9, 2024 to allow for public comment.

November 13, 2024, is the final day to have the exempt regulations to the Registrar.

18VAC125-20-42 Prerequisites for licensure endorsement

After a lengthy discussion, the Committee agreed to not allow psychological practitioners to apply by endorsement at this time due to the lack of equivalent licenses in other jurisdictions.

Ms. Barrett recommended to add language to 18VAC125-20-42 to specify the endorsement section is only applicable to the applied, clinical and school psychologist license types. The Committee agreed.

18VAC125-20-57 Education requirements for psychological practitioners

Ms. Barrett provided an overview of the proposed changes to 18VAC125-20-57. Dr. Hathaway and Dr. Ball recommended changing the language to include clinical and school psychology to align with the American Psychological Association (APA).

18VAC125-20-58 Supervision and autonomous practice of psychological practitioners.

The Committee had a long discussion on the supervision requirements. The Committee felt strongly that the practitioner, unless autonomous, communicate to the public that they were under supervision and include the name of the supervising clinical psychologist.

18VAC125-20-59 Supervisors of psychological practitioners

The Committee discussed whether to allow supervision from a supervisor who is authorized to practice into Virginia through the Psychology Interjurisdictional Compact (PSYPACT).

Dr. Chapman was concerned that there would be a lack of supervisors available to provide supervision for psychological practitioners. After a long discussion, the Committee agreed to limit the supervision to clinical psychologists who are licensed in the jurisdiction which the practice occurs.

Review of guidance document regarding accreditation equivalency:

Dr. Chapman stated the Committee the Association of State and Provincial Psychology Boards (ASPPB) is currently working on its own guidance on the educational requirements for master's level licensure. Ms. Barrett stated that the agenda packet included a draft guidance document outlining the education requirements for psychological practitioners.

Dr. Hathaway stated that non-autonomous practitioners should not be required to pass the EPPP- Part 2 examination. If a candidate wanted to apply for an autonomous psychological practitioner license, they must pass both parts of the examination and complete the required 2,000 hours of supervised experience.

Ms. Lenart suggested the Board consider allowing psychological practitioners to use their examination scores for doctoral-level clinical licensure if their passing scores met the minimum passing rate for clinical psychologist. The Committee agreed.

Dr. Sibcy suggested the pathway to licensure be clear, especially for those who completed their degree many years ago. The Committee discussed that it would need to have further discussion on individuals who may not meet the education requirements and whether additional courses would be required. Ms. Lenart suggested that staff create a verification of education form outlining the course requirements to be completed and signed off by the schools.

18VAC125-20-80 General examination requirements

Dr. Ball suggested adding language to clarify section A of regulations 18VAC125-20-80(A). After brief discussion, Ms. Barrett agreed to make the appropriate changes.

Dr. Sibcy recommended staff create a flow chart to show the licensure process for psychological practitioners.

The Committee took a break at 3:24 p.m. and resumed at 3:34 p.m.

NEW BUSINESS:

Association of State and Provincial Psychology Board (ASPPB) Annual Meeting and spring Conference Report:

Dr. Chapman provided a recap of the top discussions from the conference.

The ASPPB sessions included discussions on:

- High Stakes Exams and Test Security: Navigating the Disruptions and Risks to Exam Integrity
- ASPPB Examination Program Overview
- Item Development Panel: How a Thought Becomes a Vetted Test Question

- ASPPB Updates
 - Strategic Plan Updated
 - Equivalency Task Force
 - Potential Regulatory Implications for Licensing Master’s Trained Individuals Task Force
- Recruiting, Onboarding and Mentoring Board and College Members
- Succession Planning
- Ethics Complaints in the Telehealth Arena
- Success Stories from Jurisdictions


Dr. Chapman suggested creating a newsletter to share information to our licensee’s and public on upcoming changes from the Board. Ms. Hoyle stated that staff will work on creating a blast or newsletter related to the changes.

The Committee discussed accredited and non-accredited programs. Dr. Sibcy suggested the Committee evaluate the inequalities across programs and course requirements offered through accredited verses non-accredited universities. Dr. Chapman thanked Dr. Sibcy for his knowledge and information and being an advocate for non-accredited programs.

Dr. Chapman discussed the need for increased engagement with training providers.

NEXT MEETING DATE: The next Regulatory Committee meeting is scheduled for September 09, 2024.

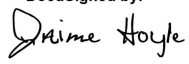
ADJOURNMENT: Dr. Chapman adjourned the meeting at 4:33 p.m.

Signed by:

0A4F214E195C492...

 Aliya Chapman, Ph.D., Committee Chair Chairperson

1/7/2025

 Date

DocuSigned by:

F858AEB08A9F4A4

 Jaime Hoyle, JD, Executive Director

1/8/2025

 Date

The Virginia Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233-1463

May 10th, 2024

To the Behavioral Science Boards and Staff:

The concept of ‘the public’ is grand and fraught with debate – but it is not without meaning; it is simply so rich with meaning that it overwhelms. I wish to convey to this Board what ‘public dialogue’ means – in the hopes that someone here holds the notion of the ‘public interest’ close to their heart.

Public dialogue is not synonymous with public comment platforms. *Effective* public dialogue is something else entirely.

Effective public dialogue creates a “mandate of democratic publicity.”¹ The mandate of democratic publicity is not manifested in legal or bureaucratic authority – and should not be conflated with it. Democratic publicity, instead, emerges from civil society through the “exchange of opinion about the sphere of public life and the common world, and the decision of what manner of action is to be taken in it.”²

Submitting public comments does not yield an exchange of opinion; it does not provide for shared judgement and decision-making. The public comment platform provides a speech receptacle: one party speaks and the other choose whether it wants to listen.

After investing considerable time reading the meeting minutes, bylaws, guidance documents, and reports produced by this institution, I have come to realize that the VDHP Behavioral Science Boards have an impending colossus on their hands. A rough description of this colossus was presented by the Psychology Board’s Deputy Executive Director:

“...the three behavioral science boards received 724 new cases in 2023, a 31% increase in [*sic*] since 2020. If pending General Assembly bills are passed, creating new license types for the Boards of Psychology and Counseling, the discipline cases are expected to increase significantly ... additional discipline staff will be necessary to continue to move cases through the process within reasonable timeframes.” – *Draft Meeting Minutes, Board of Psychology, Feb 27th, 2024.*

¹ Habermas, Jürgen. 1991. Page 244 in *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. MIT Press.

² Arendt, Hannah. 1968. Page 223 in “The Crisis in Culture: Its Social and Its Political Significance” Pp. 197-226 in *Between Past and Future: Eight Exercises in Political Thought*. New York: Viking Press.

The supply of complaints is escalating tremendously—threatening to burden this institution with a Sisyphean struggle of processing and closing, processing and closing, processing and closing ... And, to what end? What will be achieved through all your hard work?

It might be possible to wholly excise the tumor of complaints – rather than accept its malignant growth as a predestined outcome. To do so would require a serious treatment of *the underlying cause for complaint*. The complaints themselves tell us *why* Virginians are complaining. They are a precious clue in how to solve this particular problem.

In more psychological terms, the complaints are a ‘presenting problem,’ the symptomatic expression of a deeper, structural pathology. Presenting problems can only be seriously treated when their root cause is identified. Do the Behavioral Science Boards wish to grasp the *root causes for complaint*?

It appears, paradoxically, that the Behavioral Science Boards are working tirelessly to entrench the complaint colossus by lopsidedly focusing their efforts on supplying Virginians with more practitioners. The supply is expanding, and this office recognizes that more complaints will have to be dealt with. But, the burden of hundreds upon hundreds of endlessly replicating complaints attaches only incidentally to the increasing quantity of service providers.

The root causes of these complaints may possibly be found instead in the *qualities of services* and in the available *modalities for resolution*.³

The Behavioral Science Boards might extend more gracious invitations to engage in a public dialogue about the root causes of complaints – even go so far as to speak directly with the people writing all these hundreds of complaints. This approach might yield a fruitful alternative to endlessly ‘processing and closing’ this colossus.



Carol J. Petty, PhD
Faculty, Department of Sociology and Anthropology
Affiliate Faculty, Center for Social Science Research
George Mason University

³ This is simply a provisional hypothesis that can only be substantiated, revised, and/or refuted through a serious study of the contents of the complaints themselves and the motivations of the complainants.

Part I
General Provisions

18VAC125-20-10. Definitions.

The following words and terms, in addition to the words and terms defined in §§ 54.1-3600 and 54.1-3606.2 of the Code of Virginia, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"APA" means the American Psychological Association.

"APPIC" means the Association of Psychology Postdoctoral and Internship Centers.

"ASPPB" means the Association of State and Provincial Psychology Boards.

"Board" means the Virginia Board of Psychology.

"CAEP" means Council for the Accreditation of Educator Preparation.

"Compact" means the Psychology Interjurisdictional Compact.

"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.

"CPA" means Canadian Psychological Association.

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques for the populations served and for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"E.Passport" means a certificate issued by ASPPB that authorizes telepsychology services in a compact state.

"Face-to-face" means in person.

"Intern" means an individual who is enrolled in a professional psychology program internship.

"Internship" means an ongoing, supervised, and organized practical experience obtained in an integrated training program identified as a psychology internship. Other supervised experience or on-the-job training does not constitute an internship.

"IPC" means an interjurisdictional practice certificate issued by ASPPB that grants temporary authority to practice in a compact state.

"NASP" means the National Association of School Psychologists.

"Practicum" means the pre-internship clinical experience that is part of a graduate educational program.

"Practicum student" means an individual who is enrolled in a professional psychology program and is receiving pre-internship training and seeing clients.

"Professional psychology program" means an integrated program of doctoral study in clinical or counseling psychology or a master's degree or higher program in school psychology designed to train professional psychologists to deliver services in psychology.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the U.S. Secretary of Education established to accredit senior institutions of higher education.

"Residency" means a post-internship, post-terminal degree, supervised experience approved by the board.

"Resident" means an individual who has received a doctoral degree in a clinical or counseling psychology program or a master's degree or higher in school psychology and is completing a board-approved residency.

"School psychologist-limited" means a person licensed pursuant to § 54.1-3606 of the Code of Virginia to provide school psychology services solely in public school divisions.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance, and instruction with respect to the skills and competencies of the person supervised.

"Supervisor" means an individual who assumes responsibility for the education and training activities of a person under supervision and for the care of such person's clients and who provides supervision consistent with the training and experience of both the supervisor and the person under supervision and with the type of services being provided.

18VAC125-20-20. (Repealed.)

18VAC125-20-30. Fees required by the board.

A. The board has established fees for the following:

	Applied psychologists, Clinical psychologists, School psychologists	School psychologists- limited	<u>Psychological practitioners</u>
1. Registration of residency (per residency request)	\$50	--	<u>--</u>
2. Add or change supervisor	\$25	--	<u>--</u>
3. Application processing and initial licensure	\$200	\$85	<u>[\$200]</u>
4. Annual renewal of active license	\$140	\$70	<u>[\$140]</u>
5. Annual renewal of inactive license	\$70	\$35	<u>[\$70]</u>
6. Late renewal	\$50	\$25	<u>\$25</u>
7. Verification of license to another jurisdiction	\$25	\$25	<u>\$25</u>
8. Duplicate license	\$5	\$5	<u>\$5</u>
9. Additional or replacement wall certificate	\$15	\$15	<u>\$15</u>
10. Handling fee for returned check or dishonored credit card or debit card	\$50	\$50	<u>\$50</u>
11. Reinstatement of	\$270	\$125	<u>[\$270]</u>

a lapsed license

12. Reinstatement following revocation or suspension	\$500	\$500	<u>\$500</u>
<u>13. [Autonomous practice for psychological practitioners]</u>	<u>--</u>	<u>--</u>	<u>[\$150]</u>

B. Fees shall be made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Between May 1, 2020, and June 30, 2020, the following renewal fees shall be in effect:

1. For annual renewal of an active license as a clinical, applied, or school psychologist, it shall be \$100. For an inactive license as a clinical, applied, or school psychologist, it shall be \$50.
2. For annual renewal of an active license as a school psychologist-limited, it shall be \$50. For an inactive license as a school psychologist-limited, it shall be \$25.

[D. Between January 1, 2025, and December 31, 2026, the cost for application processing and initial licensure of psychological practitioners shall be \$100.]

Formatted: Indent: Left: 0", First line: 0.25"

18VAC125-20-35. Change of name or address.

Licensees or registrants shall notify the board in writing within 60 days of:

1. Any legal name change; or
2. Any change of address of record or of the licensee's or registrant's public address if different from the address of record.

**Part II
Requirements for Licensure**

18VAC125-20-40. General requirements for licensure.

Individuals licensed in one licensure category who wish to practice in another licensure category shall submit an application for the additional licensure category in which the licensee seeks to practice.

18VAC125-20-41. Requirements for licensure by examination.

A. Every applicant for licensure by examination shall:

1. Meet the education requirements prescribed in 18VAC125-20-54, 18VAC125-20-55, ~~or 18VAC125-20-56~~, ~~or 18VAC125-20-57~~ and the experience requirement prescribed in 18VAC125-20-65 as applicable for the particular license sought; and

2. Submit the following:

- a. A completed application on forms provided by the board;
- b. A completed residency agreement or documentation of having fulfilled the experience requirements of 18VAC125-20-65, if applicable;
- c. The application processing fee prescribed by the board;
- d. Official transcripts documenting the graduate work completed and the degree awarded; transcripts previously submitted for registration of supervision do not have to be resubmitted unless additional coursework was subsequently obtained. Applicants who are graduates of institutions that are not regionally accredited shall submit documentation from an accrediting agency acceptable to the board that their education meets the requirements set forth in 18VAC125-20-54, 18VAC125-20-55, ~~or 18VAC125-20-56~~, ~~or 18VAC125-20-57~~;
- e. A current report from the National Practitioner Data Bank; and
- f. Verification of any other health or mental health professional license, certificate, or registration ever held in Virginia or another jurisdiction. The applicant shall not have surrendered a license, certificate, or registration while under investigation and shall have no unresolved action against a license, certificate, or registration.

B. In addition to fulfillment of the education and experience requirements, each applicant for licensure by examination as a clinical, school, or applied psychologist must achieve a passing score on all parts of the Examination for Professional Practice of Psychology required at the time the applicant took the examination.

C. Every applicant for licensure as a psychological practitioner shall achieve a passing score [as determined by the board] for masters level psychological practice on the academic portion of the Examination for Professional Practice of Psychology. Every licensed psychological practitioner applying for autonomous practice shall achieve a passing score [as determined by the board] for masters level psychological practice on the clinical portion of the Examination for Professional Practice of Psychology.

CD. Every applicant shall attest to having read and agreed to comply with the current standards of practice and laws governing the practice of psychology in Virginia.

Commented [EB1]: Guidance document accepting ASPPB score.

18VAC125-20-42. Prerequisites for licensure by endorsement.

Every applicant for licensure by endorsement shall submit:

1. A completed application;
2. The application processing fee prescribed by the board;
3. An attestation of having read and agreed to comply with the current Standards of Practice and laws governing the practice of psychology in Virginia;
4. Verification of all other health and mental health professional licenses, certificates, or registrations ever held in Virginia or any jurisdiction of the United States or Canada. In order to qualify for endorsement, the applicant shall not have surrendered a license, certificate, or registration while under investigation and shall have no unresolved action against a license, certificate, or registration;
5. A current report from the National Practitioner Data Bank; and
6. Further documentation of one of the following:
 - a. A current credential issued by the National Register of Health Service Psychologists;
 - b. Current diplomate status in good standing with the American Board of Professional Psychology in a category comparable to the one in which licensure is sought;
 - c. A Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
 - d. Five years of active licensure in a category comparable to the one in which licensure is sought with at least 24 months of active practice within the last 60 months immediately preceding licensure application; or
 - e. If less than five years of active licensure or less than 24 months of active practice within the last 60 months, documentation of current psychologist licensure in good standing obtained by standards substantially equivalent to the education, experience, and examination requirements set forth in this chapter for the category in which licensure is sought as verified by a certified copy of the original application submitted directly from the out-of-state licensing agency or a copy of the regulations in effect at the time of initial licensure and the following: (1) Verification of a passing score on all parts of the Examination for Professional Practice of Psychology that were required at the time of original licensure; and (2) Official transcripts documenting the graduate work completed and the degree awarded in the category in which licensure is sought.

18VAC125-20-43. Requirements for licensure as a school psychologist-limited.

A. Every applicant for licensure as a school psychologist-limited shall submit to the board:

1. A copy of a current license issued by the Board of Education showing an endorsement in psychology.
2. An official transcript showing completion of a master's degree in psychology.
3. A completed Employment Verification Form of current employment by a school system under the Virginia Department of Education.
4. The application fee.

B. At the time of licensure renewal, school psychologists-limited shall be required to submit an updated Employment Verification Form if there has been a change in school district in which the licensee is currently employed.

18VAC125-20-50. (Repealed.)**18VAC125-20-51. (Repealed.)****18VAC125-20-54. Education requirements for clinical psychologists.**

A. Beginning June 23, 2028, an applicant shall hold a doctorate in clinical or counseling psychology from a professional psychology program in a regionally accredited university that was accredited at the time the applicant graduated from the program by the APA, CPA, or an accrediting body acceptable to the board. Graduates of programs that are not within the United States or Canada shall provide documentation from an acceptable credential evaluation service that provides information verifying that the program is substantially equivalent to an APA-accredited program.

B. Prior to June 23, 2028, an applicant shall either hold a doctorate from an accredited program, as specified in subsection A of this section, or shall hold a doctorate from a professional psychology program that documents that the program offers education and training that prepares individuals for the practice of clinical psychology as defined in § 54.1-3600 of the Code of Virginia and meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the U.S. Department of Education or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from an acceptable credential evaluation

service that provides information that allows the board to determine if the program meets the requirements set forth in this chapter.

2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills, and competencies consistent with the program's training goals.
4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.
5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas:
 - a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).
 - b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).
 - c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).
 - d. Psychological measurement.
 - e. Research methodology.
 - f. Techniques of data analysis.
 - g. Professional standards and ethics.
6. The program shall include a minimum of at least three or more graduate semester credit hours or five or more graduate quarter hours in each of the following clinical psychology content areas:
 - a. Individual differences in behavior (e.g., personality theory, cultural difference and diversity).
 - b. Human development (e.g., child, adolescent, geriatric psychology).

- c. Dysfunctional behavior, abnormal behavior, or psychopathology.
- d. Theories and methods of intellectual assessment and diagnosis.
- e. Theories and methods of personality assessment and diagnosis including its practical application.
- f. Effective interventions and evaluating the efficacy of interventions.

C. Applicants shall submit documentation of having successfully completed practicum experiences involving assessment, diagnosis, and psychological interventions. The practicum experiences shall include a minimum of nine graduate semester hours or 15 or more graduate quarter hours or equivalent in appropriate settings to ensure a wide range of supervised training and educational experiences.

D. An applicant shall graduate from an educational program in clinical psychology that includes an appropriate emphasis on and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.

E. Candidates for clinical psychologist licensure shall have successfully completed an internship in a program that is either accredited by APA or CPA, or is a member of APPIC, or the Association of State and Provincial Psychology Boards/National Register of Health Service Psychologists, or one that meets equivalent standards. If the internship was obtained in an educational program outside of the United States or Canada, a credentialing service approved by the board shall verify equivalency to an internship in an APA-accredited program.

F. An applicant for a clinical license may fulfill the residency requirement of 1,500 hours, or some part thereof, as required for licensure in [18VAC125-20-65](#), in the doctoral practicum supervised experience, which occurs prior to the internship, and that meets the following standards:

1. The supervised professional experience shall be part of an organized sequence of training within the applicant's doctoral program that meets the criteria specified in this section.
2. The supervised experience shall include face-to-face direct client services, service-related activities, and supporting activities.
 - a. "Face-to-face direct client services" means treatment or intervention, assessment, and interviewing of clients.
 - b. "Service-related activities" means scoring, reporting or treatment note writing, and consultation related to face-to-face direct services.

c. "Supporting activities" means time spent under supervision of face-to-face direct services and service-related activities provided onsite or in the trainee's academic department, as well as didactic experiences, such as laboratories or seminars, directly related to such services or activities.

3. In order for pre-doctoral practicum hours to fulfill all or part of the residency requirement, the following shall apply:

a. Not less than one-quarter of the hours shall be spent in providing face-to-face direct client services;

b. Not less than one-half of the hours shall be in a combination of face-to-face direct service hours and hours spent in service-related activities; and

c. The remainder of the hours may be spent in a combination of face-to-face direct services, service-related activities, and supporting activities.

4. A minimum of one hour of individual face-to-face supervision shall be provided for every eight hours of supervised professional experience spent in direct client contact and service-related activities.

5. Two hours of group supervision with up to five practicum students may be substituted for one hour of individual supervision. In no case shall the hours of individual supervision be less than one-half of the total hours of supervision.

6. The hours of pre-doctoral supervised experience reported by an applicant shall be certified by the program's director of clinical training on a form provided by the board.

7. If the supervised experience hours completed in a series of practicum experiences do not total 1,500 hours or if a candidate is deficient in any of the categories of hours, a candidate shall fulfill the remainder of the hours by meeting requirements specified in 18VAC125-20-65.

18VAC125-20-55. Education requirements for applied psychologists.

A. The applicant shall hold a doctorate from a professional psychology program from a regionally accredited university that meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the U.S. Department of Education or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service

acceptable to the board that demonstrates that the program meets the requirements set forth in this chapter.

2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills, and competencies consistent with the program's training goals.
4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.
5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas:
 - a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).
 - b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).
 - c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).
 - d. Psychological measurement.
 - e. Research methodology.
 - f. Techniques of data analysis.
 - g. Professional standards and ethics.

B. Demonstration of competence in applied psychology shall be met by including a minimum of at least 18 semester hours or 30 quarter hours in a concentrated program of study in an identified area of psychology, for example, developmental, social, cognitive, motivation, applied behavioral analysis, industrial/organizational, human factors, personnel selection and evaluation, program planning and evaluation, teaching, research or consultation.

18VAC125-20-56. Education requirements for school psychologists.

A. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours or 90 quarter hours, from a college or university accredited by a regional accrediting agency, which was accredited by the APA or CAEP or was approved by NASP, or shall meet the requirements of subsection B of this section.

B. If the applicant does not hold a master's degree in school psychology from a program accredited by the APA or CAEP or approved by NASP, the applicant shall have a master's degree from a psychology program that offers education and training to prepare individuals for the practice of school psychology as defined in § 54.1-3600 of the Code of Virginia and that meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the U.S. Department of Education or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board that demonstrates that the program meets the requirements set forth in this chapter.
2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills, and competencies consistent with the program's training goals.
4. The program shall encompass a minimum of two academic years of full-time graduate study or the equivalent thereof.
5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas:
 - a. Psychological foundations (e.g., biological bases of behavior, human learning, social and cultural bases of behavior, child and adolescent development, individual differences).

- b. Educational foundations (e.g., instructional design, organization and operation of schools).
- c. Interventions/problem-solving (e.g., assessment, direct interventions, both individual and group, indirect interventions).
- d. Statistics and research methodologies (e.g., research and evaluation methods, statistics, measurement).
- e. Professional school psychology (e.g., history and foundations of school psychology, legal and ethical issues, professional issues and standards, alternative models for the delivery of school psychological services, emergent technologies, roles and functions of the school psychologist).

6. The program shall be committed to practicum experiences that shall include:
- a. Orientation to the educational process;
 - b. Assessment for intervention;
 - c. Direct intervention, including counseling and behavior management; and
 - d. Indirect intervention, including consultation.

C. Candidates for school psychologist licensure shall have successfully completed an internship in a program accredited by APA or CAEP, or approved by NASP, or is a member of APPIC or one that meets equivalent standards.

18VAC125-20-57. Education requirements for psychological practitioners.

Every applicant for licensure as a psychological practitioner shall provide evidence of receipt of a master's degree in psychology or counseling psychology from a program accredited by the American Psychological Association, from a program equivalent to those accredited by the American Psychological Association as determined by the board, or from a program accredited by another national accrediting body approved by the board.

18VAC125-20-58. Supervision ~~[of psychological practitioners;] [and] autonomous practice [of psychological practitioners].~~

A. Unless an autonomous practice designation has been granted by the board, every psychological practitioner shall practice under the supervision of a clinical psychologist with at least two years of clinical experience post-licensure as a doctoral level clinical psychologist. No psychological practitioner shall hold himself out as able to practice autonomously unless an autonomous practice designation has been granted by the board.

[B. Unless an autonomous practice designation has been granted by the board, every psychological practitioner shall communicate to patients and the public in writing that

Formatted: Font: Bold

Commented [EB2]: Guidance document

Formatted: Font: Bold

Formatted: Indent: First line: 0"

Formatted: Font: Bold, Strikethrough

Formatted: Not Strikethrough

Formatted: Font: Bold

Formatted: Font: Bold

the psychological practitioner cannot practice autonomously and provide the name of the supervising clinical psychologist.]

C. A psychological practitioner with a current, unrestricted license may qualify for an autonomous designation upon:

1. Successful completion of the clinical portion of the Examination for Professional Practice of Psychology; and

2. Completion of one year of full-time, [post-licensure] ~~[experience of]~~ practice under the supervision of a clinical psychologist. One year of full-time, [post-licensure practice] ~~[experience]~~, for purposes of this section, is at least [2,000] hours. Such hours must be completed within ~~[five]~~ [three] years immediately preceding application to the board for autonomous practice authorization.

Commented [EB3]: Erin's change

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

D. Qualification for authorization for autonomous practice shall be determined upon:

1. Submission of a fee as specified in 18VAC125-20-30;

2. Evidence of a passing score for masters level psychological practice on the clinical portion of the Examination for Professional Practice of Psychology; and

3. Evidence of one year of full-time, [post-licensure] supervised [practice] ~~[experience]~~. The evidence of supervised ~~[experience]~~ [practice] shall consist of: [an attestation which meets the following criteria:

Formatted: Indent: First line: 0.5"

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

a. The attestation shall be signed by the licensed clinical psychologist that served as a supervisor for the required supervised practice in subsection A;

b. The attestation shall specify that the psychological practitioner is competent to practice in all areas of practice contained on a ~~[form]~~ provided by the board; and

Commented [EB4]: Must draft form

c. The attestation shall state that, in the opinion of the licensed clinical psychologist, the psychological practitioner demonstrated sufficient competency to practice autonomously.]

18VAC125-20-59. Supervisors of psychological practitioners.

Formatted: Font: Bold

A. Supervisors shall be licensed in the jurisdiction in which practice by the psychological practitioner will occur.

B. Supervision of ~~[clinical]~~ [post-licensure] practice by a clinical psychologist shall include:

Formatted: Strikethrough

1. The periodic review of patient charts or electronic patient records by the supervising clinical psychologist; ~~[and]~~

Formatted: Strikethrough

~~2. Appropriate [and regular] input by the clinical psychologist on [complex] cases, patient emergencies, and referrals;~~

Formatted: Strikethrough

~~3. Appropriate professional development; and~~

~~4. Management of areas of deficiency if needed or indicated during supervision.]~~

Formatted: Indent: First line: 0.5"

~~C. The supervisor shall be responsible for ensuring that the psychological practitioner only practices within the scope of his education and training.~~

~~D. Prior to practice, a psychological practitioner that has not received an autonomous practice designation must enter into a supervisory agreement with a qualified supervisor.~~

~~E. Both the psychological practitioner and the supervisor shall maintain a copy of all supervisory agreements for 3 years from the date that supervision ends.]~~

18VAC125-20-60. (Repealed.)

18VAC125-20-65. Residency.

A. Candidates for clinical or school psychologist licensure shall have successfully completed a residency consisting of a minimum of 1,500 hours of supervised experience in the delivery of clinical or school psychology services acceptable to the board.

1. For clinical psychology candidates, the hours of supervised practicum experiences in a doctoral program may be counted toward the residency hours, as specified in ~~18VAC125-20-54~~. Hours acquired during the required internship shall not be counted toward the 1,500 residency hours. If the supervised experience hours completed in a practicum do not total 1,500 hours or if a candidate is deficient in any of the categories of hours, a candidate may fulfill the remainder of the hours by meeting requirements specified in subsection B of this section.

2. School psychologist candidates shall complete all the residency requirements after receipt of their final school psychology degree.

B. Residency requirements.

1. Candidates for clinical or school psychologist licensure shall have successfully completed a residency consisting of a minimum of 1,500 hours in a period of not less than 12 months and not to exceed three years of supervised experience in the delivery of clinical or school psychology services acceptable to the board, or the applicant may request approval to extend a residency if there were extenuating circumstances that precluded completion within three years.

2. Supervised experience obtained in Virginia without prior written board approval will not be accepted toward licensure. Candidates shall not begin the residency until after completion of the required degree as set forth in 18VAC125-20-54 or 18VAC125-20-56.
3. In order to have the residency accepted for licensure, an individual who proposes to obtain supervised post-degree experience in Virginia shall register with the board prior to the onset of such supervision by submission of:
 - a. A supervisory contract along with the application package;
 - b. The registration of supervision fee set forth in 18VAC125-20-30; and
 - c. An official transcript documenting completion of educational requirements as set forth in 18VAC125-20-54 or 18VAC125-20-56 as applicable.
4. If board approval was required for supervised experience obtained in another United States jurisdiction or Canada in which residency hours were obtained, a candidate shall provide evidence of board approval from such jurisdiction.
5. There shall be a minimum of two hours of individual supervision per 40 hours of supervised experience. Group supervision of up to five residents may be substituted for one of the two hours on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per 40 hours.
6. Supervision shall be provided by a psychologist who holds a current, unrestricted license in the jurisdiction in which supervision is being provided and who is licensed to practice in the licensure category in which the resident is seeking licensure.
7. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence nor for activities for which the applicant has not had appropriate education and training.
8. The supervising psychologist shall maintain records of supervision performed and shall regularly review and co-sign case notes written by the supervised resident during the residency period. At the end of the residency training period, the supervisor shall submit to the board a written evaluation of the applicant's performance.
9. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability that limits the resident's access to qualified supervisors.

C. Residents shall not refer to or identify themselves as clinical psychologists or school psychologists, independently solicit clients, bill directly for services, or in any way represent themselves as licensed psychologists. Notwithstanding, this does not preclude supervisors or employing institutions from billing for the services of an appropriately identified resident. During the residency period, residents shall use their names, the initials of their degree, and the title "Resident in Psychology" in the licensure category in which licensure is sought.

18VAC125-20-70. (Repealed.)

Part III Examinations

18VAC125-20-80. General examination requirements.

A. A candidate shall achieve a passing score on the final step of the national examination within two years immediately preceding licensure. A candidate may request an extension of the two-year limitation for extenuating circumstances. If the candidate has not taken the examination by the end of the two-year period, the applicant shall reapply according to the requirements of the regulations in effect at that time.

[B. A candidate for autonomous practice as a licensed psychological practitioner shall achieve a passing score on the clinical portion of the national examination within two years immediately preceding the application for autonomous practice. A candidate may request an extension of the two-year limitation for extenuating circumstances.]

~~B.C.~~ The board shall establish passing scores on all steps of the examination.

18VAC125-20-90. (Repealed.)

Part IV Licensure [Repealed]

18VAC125-20-110. (Repealed.)

Part V Licensure Renewal; Reinstatement

18VAC125-20-120. Annual renewal of licensure.

Every license issued by the board shall expire each year on June 30.

Commented [EB5]: This portion is not recreated for psychological practitioners because it appears to refer to residency.

1. Every licensee who intends to continue to practice shall, on or before the expiration date of the license, submit to the board a license renewal form supplied by the board and the renewal fee prescribed in 18VAC125-20-30.
2. Licensees who wish to maintain an active license shall pay the appropriate fee and verify on the renewal form compliance with the continuing education requirements prescribed in 18VAC125-20-121. First-time licensees by examination are not required to verify continuing education on the first renewal date following initial licensure.
3. A licensee who wishes to place his license in inactive status may do so upon payment of the fee prescribed in 18VAC125-20-30. A person with an inactive license is not authorized to practice; no person shall practice psychology in Virginia without a current active license. An inactive licensee may activate a license by fulfilling the reactivation requirements set forth in 18VAC125-20-130.
4. Failure of a licensee to receive a renewal notice and application forms from the board shall not excuse the licensee from the renewal requirement.
5. A licensed psychological practitioner actively practicing without a designation for autonomous practice shall attest that the licensee is actively supervised.

18VAC125-20-121. Continuing education course requirements for renewal of an active license.

A. Licensees shall be required to complete a minimum of 14 hours of board-approved continuing education courses each year for annual licensure renewal. A minimum of 1.5 of these hours shall be in courses that emphasize the ethics, laws, and regulations governing the profession of psychology, including the standards of practice set out in 18VAC125-20-150. A licensee who completes continuing education hours in excess of the 14 hours may carry up to seven hours of continuing education credit forward to meet the requirements for the next annual renewal cycle.

B. For the purpose of this section, "course" means an organized program of study, classroom experience, or similar educational experience that is directly related to the practice of psychology and is provided by a board-approved provider that meets the criteria specified in 18VAC125-20-122.

1. At least six of the required hours shall be earned in face-to-face or real-time interactive educational experiences. Real-time interactive shall include a course in which the learner has the opportunity to interact with the presenter during the time of the presentation.

2. The board may approve up to four hours per renewal cycle for each of the following specific educational experiences:

a. Preparation for and presentation of a continuing education program, seminar, workshop, or academic course offered by an approved provider and directly related to the practice of psychology. Hours may only be credited one time, regardless of the number of times the presentation is given, and may not be credited toward the face-to-face requirement.

b. Publication of an article or book in a recognized publication directly related to the practice of psychology. Hours may only be credited one time, regardless of the number of times the writing is published, and may not be credited toward the face-to-face requirement.

c. Serving at least six months as editor or associate editor of a national or international, professional, peer-reviewed journal directly related to the practice of psychology.

3. Ten hours will be accepted for one or more three-credit-hour academic courses completed at a regionally accredited institution of higher education that are directly related to the practice of psychology.

4. The board may approve up to two hours per renewal cycle for membership on a state licensing board in psychology.

C. Courses must be directly related to the scope of practice in the category of licensure held. Continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment, and care of patients with moderate and severe mental disorders.

D. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

E. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

F. Up to two of the 14 continuing education hours required for renewal may be satisfied through delivery of psychological services, without compensation, to low-income individuals receiving mental health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services as verified

by the department or clinic. Three hours of volunteer service is required for one hour of continuing education credit.

18VAC125-20-122. Continuing education providers.

A. The following organizations, associations, or institutions are approved by the board to provide continuing education:

1. Any psychological association recognized by the profession or providers approved by such an association.
2. Any association or organization of mental health, health, or psychoeducational providers recognized by the profession or providers approved by such an association or organization.
3. Any regionally accredited institution of higher learning.
4. Any governmental agency or facility that offers mental health, health, or psychoeducational services.
5. Any licensed hospital or facility that offers mental health, health, or psychoeducational services.
6. Any association or organization that has been approved as a continuing education provider by a psychology board in another state or jurisdiction.

B. Continuing education providers approved under subsection A of this section shall:

1. Maintain documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of four years.
2. Monitor attendance at classroom or similar face-to-face educational experiences.
3. Provide a certificate of completion for licensees who successfully complete a course. The certificate shall indicate the number of continuing education hours for the course and shall indicate hours that may be designated as ethics, laws, or regulations governing the profession, if any.

18VAC125-20-123. Documenting compliance with continuing education requirements.

A. All licensees in active status are required to maintain original documentation for a period of four years.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation as follows:

1. Official transcripts showing credit hours earned from an accredited institution;
or
2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the maintenance of records and the relevance of the courses to the category of licensure, is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

18VAC125-20-130. Late renewal; reinstatement; reactivation.

A. A person whose license has expired may renew it within one year after its expiration date by paying the late fee prescribed in 18VAC125-20-30 and the license renewal fee for the year the license was not renewed and by completing the continuing education requirements specified in 18VAC125-20-121 for that year.

B. A person whose license has not been renewed for one year or more and who wishes to resume practice shall:

1. Present evidence to the board of having met all applicable continuing education requirements equal to the number of years the license has been expired, not to exceed four years;
2. Pay the reinstatement fee as prescribed in 18VAC125-20-30; and
3. Submit verification of any professional certification or licensure obtained in any other jurisdiction subsequent to the initial application for licensure.

C. A psychologist wishing to reactivate an inactive license shall submit the renewal fee for active licensure minus any fee already paid for inactive licensure renewal and document completion of continued education hours equal to the number of years the license has been inactive, not to exceed four years.

18VAC125-20-140. (Repealed.)

**Part VI
Standards of Practice; Unprofessional Conduct; Disciplinary Actions;
Reinstatement**

18VAC125-20-150. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Psychologists respect the rights, dignity, and worth of all people and are mindful of individual differences. Regardless of the delivery method, whether face-to-face or by use of technology, these standards shall apply to the practice of psychology.

B. Persons regulated by the board and persons practicing in Virginia with an E.Passport or an IPC shall:

1. Provide and supervise only those services and use only those techniques for which they are qualified by education, training, and appropriate experience;
2. Delegate to persons under their supervision only those responsibilities such persons can be expected to perform competently by education, training, and experience;
3. Maintain current competency in the areas of practices through continuing education, consultation, or other procedures consistent with current standards of scientific and professional knowledge;
4. Accurately represent their areas of competence, education, training, experience, professional affiliations, credentials, and published findings to ensure that such statements are neither fraudulent nor misleading;
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services. Make appropriate consultations and referrals consistent with the law and based on the interest of patients or clients;
6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;
7. Avoid harming, exploiting, misusing influence, or misleading patients or clients, research participants, students, and others for whom they provide professional services and minimize harm when it is foreseeable and unavoidable;
8. Not engage in, direct, or facilitate torture, which is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, or in any other cruel, inhuman, or degrading behavior that causes harm;
9. Withdraw from, avoid, adjust, or clarify conflicting roles with due regard for the best interest of the affected party and maximal compliance with these standards;
10. Make arrangements for another professional to deal with emergency needs of clients during periods of foreseeable absences from professional availability and provide for continuity of care when services must be terminated;

11. Conduct financial responsibilities to clients in an ethical and honest manner by:
 - a. Informing clients of fees for professional services and billing arrangements as soon as is feasible;
 - b. Informing clients prior to the use of collection agencies or legal measures to collect fees and provide opportunity for prompt payment;
 - c. Obtaining written consent for fees that deviate from the practitioner's usual and customary fees for services;
 - d. Participating in bartering only if it is not clinically contraindicated and is not exploitative; and
 - e. Not obtaining, attempting to obtain, or cooperating with others in obtaining payment for services by misrepresenting services provided, dates of service, or status of treatment.
12. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes;
13. Construct, maintain, administer, interpret, and report testing and diagnostic services in a manner and for purposes that are current and appropriate;
14. Design, conduct, and report research in accordance with recognized standards of scientific competence and research ethics. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as participants in human research, with the exception of retrospective chart reviews;
15. Report to the board known or suspected violations of the laws and regulations governing the practice of psychology;
16. Accurately inform a client or a client's legally authorized representative of the client's diagnoses, prognosis, and intended treatment or plan of care. A psychologist shall present information about the risks and benefits of the recommended treatments in understandable terms and encourage participation in the decisions regarding the patient's care. When obtaining informed consent treatment for which generally recognized techniques and procedures have not been established, a psychologist shall inform clients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation;
17. Clearly document at the outset of service delivery what party the psychologist considers to be the client and what, if any, responsibilities the psychologist has to all related parties;

18. Determine whether a client is receiving services from another mental health service provider, and if so, document efforts to coordinate care;

19. Document the reasons for and steps taken if it becomes necessary to terminate a therapeutic relationship (e.g., when it becomes clear that the client is not benefiting from the relationship or when the psychologist feels endangered). Document assistance provided in making arrangements for the continuation of treatment for clients, if necessary, following termination of a therapeutic relationship; and

20. Not engage in conversion therapy with any person younger than 18 years of age.

C. In regard to confidentiality, persons regulated by the board shall:

1. Keep confidential their professional relationships with patients or clients and disclose client information to others only with written consent except as required or permitted by law. Psychologists shall inform clients of legal limits to confidentiality;

2. Protect the confidentiality in the usage of client information and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using clinical information in teaching, writing, or public presentations; and

3. Not willfully or negligently breach the confidentiality between a practitioner and a client. A disclosure that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

D. In regard to client records, persons regulated by the board shall:

1. Maintain timely, accurate, legible, and complete written or electronic records for each client. For a psychologist practicing in an institutional setting, the recordkeeping shall follow the policies of the institution or public facility. For a psychologist practicing in a noninstitutional setting, the record shall include:

- a. The name of the client and other identifying information;
- b. The presenting problem, purpose, or diagnosis;
- c. Documentation of the fee arrangement;
- d. The date and clinical summary of each service provided;
- e. Any test results, including raw data, or other evaluative results obtained;
- f. Notation and results of formal consults with other providers; and

g. Any releases by the client;

2. Maintain client records securely, inform all employees of the requirements of confidentiality and dispose of written, electronic, and other records in such a manner as to ensure their confidentiality; and

3. Maintain client records for a minimum of five years or as otherwise required by law from the last date of service, with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining 18 years of age;

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have been transferred pursuant to § 54.1-2405 of the Code of Virginia pertaining to closure, sale, or change of location of one's practice.

E. In regard to dual relationships, persons regulated by the board shall:

1. Not engage in a dual relationship with a person under supervision that could impair professional judgment or increase the risk of exploitation or harm. Psychologists shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in sexual intimacies or a romantic relationship with a student, supervisee, resident, intern, therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other of the client) while providing professional services. For at least five years after cessation or termination of professional services, not engage in sexual intimacies or a romantic relationship with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the conduct nor lift the prohibition. Because sexual or romantic relationships are potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, and adverse impact on the client;

3. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the psychologist in his professional capacity; and

4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

F. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons licensed by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.

18VAC125-20-160. Grounds for disciplinary action or denial of licensure.

The board may take disciplinary action or deny a license or registration for any of the following causes:

1. Conviction of a felony, or a misdemeanor involving moral turpitude (i.e., relating to lying, cheating, or stealing);
2. Procuring or attempting to procure or maintaining a license or registration by fraud or misrepresentation;
3. Conducting practice in such a manner so as to make it a danger to the health and welfare of clients or to the public;
4. Engaging in intentional or negligent conduct that causes or is likely to cause injury to a client;
5. Performing functions outside areas of competency;
6. Demonstrating an inability to practice psychology with reasonable skill and safety to clients by reason of illness or substance misuse, or as a result of any mental, emotional, or physical condition;
7. Failing to comply with the continuing education requirements set forth in this chapter;
8. Violating or aiding and abetting another to violate any statute applicable to the practice of the profession, including § 32.1-127.1:03 of the Code of Virginia relating to health records;
9. Knowingly allowing persons under supervision to jeopardize client safety or provide care to clients outside of such person's scope of practice or area of responsibility;
10. Performing an act or making statements that are likely to deceive, defraud, or harm the public;

11. Having a disciplinary action taken against a health or mental health license, certification, registration, or application in Virginia or other jurisdiction or surrendering such a license, certification, or registration in lieu of disciplinary action;
12. Failing to cooperate with an employee of the Department of Health Professions in the conduct of an investigation;
13. Failing to report evidence of child abuse or neglect as required in § ~~63.2-1509~~ of the Code of Virginia, or abuse of aged and incapacitated adults as required in § ~~63.2-1606~~ of the Code of Virginia; or
14. Violating any provisions of this chapter, including practice standards set forth in 18VAC125-20-150.

18VAC125-20-170. Reinstatement following disciplinary action.

A. Any person whose license has been revoked by the board under the provisions of 18VAC125-20-160 may, three years subsequent to such board action, submit a new application to the board for reinstatement of licensure. The board in its discretion may, after a hearing, grant the reinstatement.

B. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fee applicable at the time of reinstatement.